IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 439 of 2005

SHRIKRISHNA & ORS
V/S
INAYAT KHAN

Mr. JK BHAIYA for Mr. SAJJAN SINGH, for the appellant / petitioner

Mr. RK SINGHAL, for the respondent

Date of Order : 24.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

Perused the impugned judgments of the two learned courts below.

Both the learned courts below after appreciating the evidence on record found that the defendants have put harvest ablaze as a result of which about 100 quintals of wheat had burnt, and plaintiff suffered a loss of Rs. 33,000/-.

Learned counsel tried to read the entire evidence, and asked me to reappreciate the same but I am afraid that is not permissible in my second appellate jurisdiction. The learned counsel for the appellant has also filed an application under Order 41 Rule 27 seeking to produce

certified copy of the judgment of the Criminal Court whereby the accused appellants were acquitted.

Suffice it to say that the findings recorded in the criminal case are not relevant for the purpose of deciding the civil litigation. That judgment may be relevant only for the purpose of showing the fact that the criminal case was decided, and the accused were acquitted. Reasons given therein, or the findings recorded therein cannot be looked into for appreciating the evidence of this case which has been decided on its own evidence.

In that view of the matter, I do not find any ground to allow the application under O. 41 Rule 27.

The findings recorded by the learned two courts below on all the three issues are pure findings of fact, and do not require any interference in my appellate jurisdiction.

The second appeal is, therefore, dismissed.

(N P GUPTA),J.

/sushil/